THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :5928 of 2006

DATED:20-02-2007

BETWEEN:

B.Triyambakeshwarlu & another.

.....
PETITIONERS

AND

The State of A.P.,
Re., by its Principal Secretary,
Home Department,
Secretariat,
Hyderabad & 3 others.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents 1 to 3 in not registering the First Information Report, having acknowledged the complaint on 19-11-2005 against the 4th respondent, for the offences punishable under
Sections 447 and 427 IPC, as illegal, and arbitrary, and consequently to award compensation of Rs.50,000/- against the respondents 1 to 3.

3. It is the case of the petitioners that they have purchased certain lands at Dommarapochampally village, Rangareddy District in the name of their daughter and son respectively in the year, 1991, and after a lapse of 25 years as the price of the lands increased abnormally the 4th respondent, in collusion with the real estate people, hatched a plan to grab the said property and trespassed into their plots on 18-11-2005 and 19-11-2005, removed the boundary stones, and ploughed the land. Therefore, a complaint has been lodged before the 3rd respondent, but the 3rd respondent instead of taking action against the 4th respondent supplied the copies of title deeds to the 4th respondent, and the 4th respondent inturn filed O.S.No.440 of 2005 on the file of the Junior Civil Judge, Medchal and obtained ad-interim injunction. Hence, the present Writ Petition.

4. Counter has been filed stating that immediately after receipt of the written representation, dated 19-11-2005, the same has been entered into the general diary as *prima facie* it appeared that no cognizable offence has been made out for registration of a case and therefore, the Station House Officer advised the petitioners to seek redressal in the competent Court, and all the other allegations have been denied.

5. In view of the aforesaid facts and circumstances of the case, I am of the opinion that if the petitioners are aggrieved by the action of the respondents 1 to 3 in not registering a case against the 4th respondent for the cognizable offence said to have been committed by him, the only course open for the petitioners is to file a private complaint before the Criminal Court.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

20th February, 2007.
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